



Entered on Docket  
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Eighth Omnibus  
Objection Of USACM Trust To  
Unallocated Amounts of Proofs Of Claim**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Eighth Omnibus Objection Of USACM Trust To Unallocated Amounts of Proofs Of Claim ("Unallocated Amount") [DE 8704] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

**IT IS ORDERED** that:

1. The Objection [DE 8704] is sustained;

1           2.     The Proofs of Claim listed on **Exhibit A** attached are disallowed to the  
2 extent the amount of the claim as stated on the face of proof of claim exceeds the amount  
3 of the claim supported by the documentation provided with the proof of claim, i.e., the  
4 Unallocated Amount as shown on **Exhibit A** attached; and

5           3.     This order concerns only the Unallocated Amount of the claim and not any  
6 other claim of the claimants.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9  
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

14 3993 Howard Hughes Parkway, Ste. 600

15 Las Vegas, Nevada 89169-5996

16 Telephone: (702) 949-8320

17 Facsimile: (702) 949-8321

18  
19 *Attorneys for USACM Liquidating Trust*  
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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust**  
**Unallocated Amounts Of Proofs Of Claim**  
**Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because The Trust Could Not Allocate Amount to a Specific Direct Lender Loan</b>
10725-01660	12/9/2006	Kehl, Robert J & Ruth Ann	Janet L Chubb, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno,, NV 89501	12,841,680.13	500,098.13
10725-02177	1/12/2007	Klay Living Trust Dtd 7/11/90	Othmar & Christine Klay Ttees 5530 Lausanne Dr Reno, NV 89511	708,473.90	4,236.95
10725-01999	1/10/2007	Km Group A Nevada General Partnership	Aime Kearns 5886 N Bonita Vista St Las Vegas, NV 89149	304,359.34	2,179.67
10725-02339	1/12/2007	Krynzel, David B Individually & as Managing Partner of Goldrunner, LLC Address	6090 Allred Place #102 Henderson, NV 89011	\$57,374.31	\$20,000
10725-02046	1/11/2007	Koerwitz Family Trust Dtd 5/13/03	Kenneth & Jan Case Koerwitz Ttees 44 Winfield LN Walnut Creek, CA 94595	1,528,005.76	14,002.88
10725-02189	1/12/2007	Lafayette, Joseph B & Catherine D	9030 Junipero Ave Atascadero, CA 93422	410,371.74	34,085.54
10725-02174	1/12/2007	Lawrence H & Lorraine K Tengan Revocable Trust	Lawrence H & Lorraine K Tengan 504 Edgefield Ridge PL Henderson, NV 89012-4543	506,524.90	17,370.96
10725-00976	11/3/2006	Leonard & Barbara Baker Revocable Trust	C/O Leonard & Barbara Baker Co-Trustees 6106 Ohio Drive Apt. 1410 Plano, TX 75024	140,000.00	40,000.00
10725-02054	1/11/2007	Lindsey H Kesler Fam Revocable Tr Dtd 10/15/80	Mildred Kesler Tee 4847 Damon Cir Salt Lake City, UT 84117	353,992.56	1,389.23
10725-02057	1/11/2007	Lindsey H Kesler Jr Ira	First Savings Bank Custodian 4847 Damon Cir Salt Lake City, UT 84117	517,569.18	7,569.18

**EXHIBIT A**

2424558.1